

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**BENNINGTON FOODS, LLC, d/b/a
BENNINGTON GROUP,**

Plaintiff,

v.

**ST. CROIX RENAISSANCE GROUP, LLLP,
a U.S. Virgin Islands corporation,**

Defendant.

2006-CV-0154

**TO: Lee J. Rohn, Esq.
Joel H. Holt, Esq.**

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL

THIS MATTER came before the Court for consideration upon Defendant's Motion to Compel (Docket No. 194). Plaintiff filed a response to said motion, and Defendant filed a reply thereto. A hearing was held upon said motion on January 21, 2009. Kimberly L. Boldt, Esq., appeared on behalf of Plaintiff. Joel H. Holt, Esq., represented Defendant.

Defendant seeks the production of certain documents it requested that Plaintiff claims are not within their control, irrelevant, and/or confidential.

Having reviewed the submissions of the parties and heard the arguments of counsel, the Court finds that the documents at issue are relevant. However, with regard to Request Nos. 10 and 12, the Court will restrict the request to the shipping of scrap metal from any source other than the St. Croix Renaissance site within the Caribbean. In addition, the Court will require Defendant to

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execute a confidentiality agreement regarding the documents to safeguard any confidential, proprietary, or trade secret information of Plaintiff.

WHEREFORE, it is now hereby **ORDERED**:

1. Defendant's Motion to Compel (Docket No. 194) is **GRANTED**.
2. Plaintiff shall serve upon counsel for Defendant, **within ten (10) days from the date of entry of this order**, all documents responsive to Request For Production of Documents Nos. 7, 8, 10, and 12. Request Nos. 10 and 12 are limited to documents relating to the shipping of scrap metal from any source other than the St. Croix Renaissance site within the Caribbean.
3. Defendant shall execute a confidentiality agreement provided by Plaintiff regarding the documents so produced.

ENTER:

DATED: January 21, 2009

/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE